## " LEGAL INTELLIGENCE.

spreme Court\_General Term fitchell, Morris and Clerke, Justices. ILLEGALITY OF THE PREFERENCE TO CHEDITOR

John Ecerson et. C. Gehrman and John C. Ecer-on.—MITCHILL, J.—The defendant, Gehrman, mered at special term to set aside a judgment against him and J. C. Everson, for irregularity, and also as entered by Jusion between the two Eversons, and in fraud of hrman's rights. The motion was denied, and the de-idant Everson allowed to amend an offer to confess agment, so that it should be in the joint names of the

ase, that Gehrman became indebted to the plaintiff in he year 1853, in a sum exceeding three or four thousand the year 1853, in a sum exceeding three or four thousand dollars; that on the let day of January, 1854, Gebrusa and the plaintiff's son entered into par mership, and the debt remaining unpaid, the plaintiff agreed with the debt remaining unpaid, the plaintiff agreed with the defendants, in March, 1854, that they should give him \$2,487.45, and that he should then give to his son the balance due to the plaintiff. In April, 1834, the son gave to the father 3687.45, in bills due to the firm, and the note of the firm for \$1,800. Such an agreement, made by the firm in good faith, and with the concurrence of both of its members, would bind the firm; the loss of the plaintiff in releasing part of his debt was a sufficient consideration for it. In August the plaintiff applied to the detendants to pay the note of \$1,800, or to secure it. They said they could not. He saked for a judgment, but Gehrman refusel to give one; and he swears that Gehrman said that if any one such him, he would selt his property and dispose of it so that such person could not collect the judgment. At the same time the son was desirous that judgment abould be confessed. Thus the plaintiff and his son, the partner of Gehrman, each knew that Gehrman was determined that the plaintiff should not have any preference by a judgment against the firm. With this knowledge, the father and son immediately contrived their plans and carried them out; and the question is, whether they should be aided by the Court to make effectual a scheme in which they colluded together togain an advantage to the father over other creditors of the firm, against the known and express wishes of Gehrman, the other member of the firm.

The facts clearly show that the action against the defendants was commenced and carried on by, and all its parts arranged by concert between the plaintiff and his son, and designedly concealed from Gehrman, the partner of the sun, and while the defendants was aplan to do good.

The plaintiff's connel insisted that it was a plan to do good.

The plain

cluding the offer of the defendant Everson, and any other papers on the part of the defendant were in their handwriting.

The summons was addressed to both defendants; it had no date to it. The complaint was on the \$1,800 note, and was sworn to by the plaintiff on the Zist of August, 1884. The same day the plaintiff is attorneys made affidavit of the service of the summons and complaint on the defendent Everson. At this time Gehrman whe in his stere, and could have been also served with the same papers. And this must have been known to the plaintiff and his attorneys; but they designedly refrained from serving them on him, as that would have frustrated their fetheme. On the same day, the defendant Everson signed a paper stating that "the defendant Everson signed a paper stating that "the defendant Everson signed of the plaintiff," and that judgment was thereby confessed, in favor of the plaintiff, for \$1,845 50, besides costs. He signed in his own name only. On the same day the plaintiff actorneys served on the defendant Everson a notice addressed to him alone, that the plaintiff accopts your offer te let judgment be entered against you, and made affidavit that he had served it on J. C. Everson, one of the defendants. On the same day, also, J. C. Everson made affidavit that he had served it on J. C. Everson made affidavit that he had served it on J. C. Everson made affidavit that the morning, judgment was entered against both defendants for \$1,845 to damages, and \$10 90 costs; the papers above mentioned forming part of the judgment roll, and execution was issued, and at about 10 c clock on the same marning, was levied on the stock in trade of the firm of the defendants.

each other, to give a preference to the father over the other creditors of the firm, and against the known and fixed purpose of Gehrman, one of the members of the firm.

The Judge at special term allowed the judgment and execution to stand as security, and allowed the defendant Gehrman to defend the action, and also permitted John C. Everson to amend his offer to confess judgment, so that it should appear to be made on behalf of the firm, instead of his own behalf alone, and also to sign the firm name to the offer.

In Egberts vs. Wood, (3 Paige, 517.) the complaint alleged that an assignment had been made by Jessup, without the consent of his partner, Vandenburgh, and sought to set it aside on that account, but the answe denied this and alleged that it was made with the consent of Vandenburgh; this was conclusive on a motion to dissolve an injunction, as that was; (see pp. 519, 521.) The Chancellor expressly avoided at that time "expressing any opinion in favor of the validity of an assignment of partnership effects to a trustee, by one partner against the known wishes of his copartner, and in fraud of his right'to participate in the distribution of partnership funds among the creditors"—(p. \$25.)

In Havens & Borr vs. Hussey, &c., (5 Paige 30.) the Chancellor, repeating the language in 3 Paige, characterising such an assignment as a fraud on the right of the other partner, to participate in the distribution of the partnership effects among the creditors, held, "upon the most deliberate examination, that such an assignment is both illegal and inequitable, and cannot be sustained." And he stated the principle on which an assignment is both illegal and inequitable, and cannot be sustained. "And he stated the principle on which an assignment being always a part of the necessary business of the firm; and that "while either party acts fairly within the limit of such implied authority for that purpose from his copartner, from the every nature of the contract of the firm may, therefore, without any excress authority any other of the partnership effects, although there may not be sufficient left to pay an equal amount to the other creditors of the firm; but that it is no part of the ordinary business of the copartnership to appoint a trustee of all the partnership effects for the purpose of selling and distributing the proceeds among the creditors in equal proportions, and that no such authority as that can be implied.

The tests are here furnished, which determine what

can be implied. The tests are here furnished, which determine what acts a partner may do; he may do whatever the articles of partnership expressly authorize him to do, and what ever is within the limits of an implied authority, it is within the limits of the implied authority do anything that fails within the ordinary business of the firm, as to purchase goods within their line on cash or credit; and to give the notes or promises of the firm for their payment, and to pay for them in moosy or any other effects of the firm. But it is not within the implied authority to do any act which, if it were proposed to insert it in the articles of partnership, each would im additely scout at; nor to do any act, the effect of which is not to continue the business, but to extinguish it; nor for one member of the firm to appear in a suit against the firm, not to promote the wishes of his copartner, or to defend the suit, but to confess a judgment which he knew the other had declared he would not confess; not to collude with the pisniff, thus to defeat the wishes of the one whom he professed to represent. If it were proposed to any persons about to enter into a partnership, whether they meant that either partner might confess a judgment to give a preference against the wishes of the other, there could be but one answer to it, and that answer would show that no such power can be implied as arising out of the intention of the parties, although not expressed. No power can be implied unless it can be interred that the parties intended to grant it. Their acts may show that intention as well as their express words; but in an implied authority the intent is as essential an element as words are in an express authority. The authority of partners is generally employed in giving activation of the partnership reports. No power can be implied unless it can be interred that the partnership reports in the definition of the partnership reports. The is on the activation of partnership and a manufact to a partnership and an anyther and partners

alone, for himself alone, and the judgment is irregular, unless the Court allow it to be amonded; and that amondment weath be by authorizing one defendant to do an act is the mane of the other, which, it is known to the Court, that ther aver authorized, either expressly or by implication, and which he expressly refused to assent to. Neither such dissent, nor any collusion between the plaintiff and one of the defendants, appeared in Lippman vs. Jorison, (I Code Rep. M. S. 161, note;) nor in Hammond vs. Harris, (2 Hew. Pr. R. 116;) nor in Storm vs. Bentley, &c., (3 How. 321;) nor in Orene vs. French, (I Wend., 311:32) Gransbrook vs. McCrudie, (9 W., 437.) Nor is this case like those in which an autorney has appeared for both defendants, the Court there holding that they could not go behind the record to inquire into his authority to appear, as is liammond vs. Harris, and Sterne vs. Bentley, &c. Deston vs. Noyes, (6 J. R., 296.) Grazsbrook vs. McCrudie, (9 Wend., 437.) Biodgett vs. Conklin and Armold, (3 How., 442.)

In 2 How. P. R., 21—Groesbush vs. Brown and Johnson—Johnson employed an autorney to appear for both defendants, and confecsed judgment against both. The attorney was irresponsable, and the judgment against Brown. This must have been on the principle that Johnson, the partiner, could not authorise him to do so. He alone and that there was reason to believe there may also the plaintiff. He alements of the solution of the plaintiff. He alements of the total country of the plaintiff. He alements of the content of the plaintiff. He alements of the plaintiff of the plaintiff or his attorney and a recommendation between the plaintiff or his attorney and Arnold (9 How. 442) an attorney had appeared in good faith on his part, for both defendants, and the Court allowed the judgment to said wed to use the name of Gehrman, in the offer of judgment, judgment must be judgment and Arnold, or the attorney whom he express, although the case would have been entirely different, and the judgment would have been entirely

United States District Attorney's Office Frm. 14 -The United States District Attorney has

made an alteration respecting the summoning of jurors for the federal courts—a step which has been induced,

JURORS IN UNITED STATES COURTS.

An arrangement has been made by which the jurors in the United States District Court will be summoned for the third week of the term, instead of the first week, as heretofore. Gentlemen on these panels will not serve more than ten or twelve days. The compensation is two dollars to each juror for each day's attendance, irrespective of the number of causes tried. We subjoin a list of names of the grand and petit jurors drawn for next Tuesday, the 20th inst.:—

Philetus H. Holt,	D. Ransom.
E. H. Herrick,	G. P. Nevins,
A. Hampton,	Stewart Brown,
H. Queripel,	W. V. R. Arneld,
H. Lewis.	F. A. Delano,
J. M. Cockroft,	G. W. Berrian, Jr
B. H. Field,	Curtis Judson,
C. G. Landon,	C. B. White.
L. Radford,	B. F. Wheelwrigh
W H. Anable,	H. Brewater,
H. C. Adams,	H. Waldo.
W. Edgar,	H. Averell.
	T JURORS.
C McConnell,	S. B. Cark,
W. McCarthy,	A. W. Gabandon,
A McBrien,	P. H. Frost,
John Mitchell,	J. Hardley,
G. Underhill,	J. Harraday,
J. Boerskel,	T. Hawthorns,
P. J. Shults,	D. Marsh.
D. S. Schanck,	T. McDonald,
J. Hawley,	J. Blanquier,
E. J. Hawley,	C. Black,
J. Hawkes,	G. D. Billinge,
J. Hawes,	J. W. Little,
G. E. Hawes,	M. H. Levin.
W H. Hegeman,	G. Logans,
M. Beares,	Cord Lobman,
A. C. Pean,	W Laudana,
Alex. L. McDonald,	M. Loudner,
D. Whitney,	F. A. Long,
J. Cole,	J. Long,
C A Bullden	John Long,
C. A. Bulkley,	A. Loftus,
N. C. Betts,	Wm. Logan,
N. Sherwood,	J. H. Zindel,
A. Holbrook,	Wm. Sheal,
J. T Shields,	W. E. Sparks.

Before Hon. Judge Ingersoll.
Frn. 14.—William E. Dodge and others against the Ship John Stuart, her Tuckle, dc.—This is a collision suit, brought to recover forty-four thousand dollars, being the value of the bark Green Point and her cargo, which were sunk near the Chincha laiands in August, 1853. It is alleged on the part of the libeliants that the collision between the John Stuart and the Green Point was brought about in consequence of the neglect, carelessness and want of skill of the officers and crew of the John Stuart. This is denied on the part of the claimants of the reasel, who allege that their ship was sailing close hauled on the wind, and was a very large vessel, and could not change her course in time to avoid the wind free, and could, if proper care and precautions had been taken, have steered clear of the ship. The Green Point struck in twenty minutes after the collision. The case is still on. For libeliants, Brown, Hallaus, Vanderpoel, and Mr. Stoughton. For claimants, F. R. Coudert, Charles O'Conor, and W. Fullerton.

## Court of General Sessions. Before Hon. Judge Stuart.

Before Hon. Judge Stuart.

CHARGE OF THEFT.

FER. 14.—George Fadden was indicted for stealing a gold watch, of the value of \$130, from the person of John Ryder, on the 5th of November last, under the following circumstances:—The complainant was thrown from his wagon near Bloomingdale, on the day in question, and seriously injured. The prisoner volunteered to see him home, and with this view he assisted him into an omnibus, and sat with his arm around him until they both got out at Thirty-first street, and walked they they both got out at Thirty-first street, and walked to

to see him home, and with this view he assisted him into an omnibus, and sat with his arm around him until they both got out at Thirty-first street, and walked to the complainant's residence, No. 37. Mr. Ryder testified that he felt his watch in his pocket while in the omnibus, and missed it a few moments after he haddentered his house. No cridence, however, was produced to trace the stolen property to the prisoner, and there being, altogether, much doubt in the case, the jury found a verdict of not guilty.

ABDUCTION.

ABDUCTION.

Valentine Switzer was indicted, under an old statute of this State, which enacted that any person who should inveigle or entice any unmarried female, under the age of twenty-five years, from her father's house, or elsewhere, for the purposes of prostitution, to a house of ill fame, or elsewhere, shall be deemed guilty of a middemeanor, provided, that no conviction shall be obtained on the testimony of the female so enticed or inveigled, unsupported by other evidence. In this case, the female alleged to have been enticed, was a stout German girl, named Josephine Grandzer, blue eyes, while hair, cital 15 years. Josephine Grandzer, blue eyes, while hair, cital 15 years. Josephine bad been four months in this country when the first met the priconer in an intelligence office, where she had gone to look for a place. He hired her at \$3, and brought her with him to his house in Houston street, where it appeared that amatory proposals were made to her by men who frequented the establishment, the proprietor foclusive. Force, too, was used; but as it seemed that the girl remained in the prisoner's house after she might have left it, and as her reputation was not entirely stainless, by her own admissions, a conviction could not be obtained. Verdict, not guilty.

BURGLARY IN THE THIND DEGREE.

John Weeks, a colored man, was charged with burgiarously entering the store of Thomas L. Davenport, No. 32 Pearl street, on the 21st of January last, and stealing thence four fixins of butter, of the value

ant, not very sober, was in a dazeing saloon in James street, on the night in question, whence he was enticed by prisoner and two others. Being led into an alley-way, he was there knocked down and robbed of his clothes. Complainant as soon as possible shouted watch, and he was found a few moments after in a naked state, by a police officer. The prisoner was subsequently arrested, and the complainant's boots were found in his possesion. Mr. Spencer, counsel for the defendant, contended that the whole transaction took place in a drunken spree. Verdict, guilty of petit larceny. Sentenced to the Penitentiary for six months.

The court then adjourned.

United States Commissioner's Court. Before Geo. W. Morton, Esq.

ALLEGED SLAVE TRAPPIC IN THE YEAR 1852-DIS CHARGE OF THE ACCUSED.

Frm. 14.—The United States vs. Felletti, alias Captain

Kraft.—The defendant in this case, as already reported in the HERALD, was charged with being engaged in slave traffic, on the coast of Africa, in the year 1852, in the schooner Advance, of which, it was alleged, he was then master. The evidence as to the identity was condicting and extremely doubtful, and the commissioner this morning discharged Capt. Felletti, as the evidence adduced did not prove him to be Capt. Kraft, the master of the Advance.

Officer Martin, attached to the Second district police court, strested a man named Elias Marcus, charged on the complaint of two different persons, with having de-frauded each of them out of a considerable arrount o frauded each of them out of a considerable arount o property, by false pretences and fraudulent representations. One of the complainants, Reuben P. Swartwout in the employ of Grant & Howell, lumber merchants stated that he delivered to the order of Marcus a quan of lumber on credit, the purchaser stating at the time that he was a responsible man, being the owner of house No. 373 highth avenue. Relieving the representation of the accused to be correct, he delivered to him the property, raised at \$225.25; that since the delivery of said property he has ascertained that the statements made by the accused as to his solvency, were entirely untrue, and that the accused has never paid for the property in question. The other complainant, George Hutch, in the employ of A. T. Seriell, lumber merchant, deposed that he delivered to the order of the accused, \$60.18 worth of lumber, on his representing to him that he was the owner of house No. 325 Eighth avenue, which, to the best of the complainant's knowledge, is untrue, and was made at the time with the intention to defraud his employers, the bill never having been paid by the accused. The prisoner was taken before Justice Brennan, at the Second district police court, who held him to bail in the sum of \$500 on each complaint. Eail being forthcoming, the accused was liberated from custody.

ARRESTED ON CHARGE OF EMBEZZLEMENT. ARRESTED ON CHARGE OF EMBEZZIEMENT.

Yesterday officer Watson, of the First ward police, arrested a young man named John Hallisey, bar tender in the drinking saloon of John H. Williams, No. 31 Dejayster street, on the complaint of his employer, who charges him with having, while in his employment, embersled, in small sums and at various times, money amounting in the aggregate to about \$160. In the affidavit of Mr. Williams it is alleged that, suspecting Hallisey to have been in the habit of pifering from the money drawer, he caused two quarter dollars to be marked and given to the accused at the bar in return for liquors; a dollar bill, the number, date and description of which was accurately noted down, was also caused to be delivered to the secused in trade. Some hours after the trap was laid for the prisoner the money drawer was searched, and the marked money was found to have been abstracted. The police officer was then sent for, and upon searching the accused the money in question was found in his possession. The prisoner was taken before Justice Bogart, at the lower police court who committed him for examination on the charge of emberzlement.

CHARGE OF GRAND LARCENY.

who committed him for examination on the charge of emberrlement.

CHARGE OF GRAND LARCENY.

Yesterday officer Sweeney, of the lower police court, arrested a German named Sagismund Seeglen, charged, on the complaint of Louis Wendell, of 72 Franklin street, with having stolen a trunk and carpet bag containing about \$250 worth of property. The complainant states that the accused and he live together at the above place; that on Tuesday night he retired to bed as usual, with his property in his room; that on his awaking the next morning he found that his property and his friend, who slept in the next room, were non set incentus. A complaint was made against Seeglen, before Justice Connolly, who issued a warrant for his arrest. The property of the complainant was recovered by the officer, at the segar manufactory No. 3 Allen by the officer, at the segar manufactory No. 3 Allen street, where it is said the accused stored it. He was held to ball in the sum of \$500 to answer.

ALLEGED GRAND LARCENY.

ALLEGED GRAND LARCENY. Two young men, named George Thompson and Henry Nichelas, were arrested by officer Holland, of the Second ward rollice, on the complaint of William Emerson, of No. 50 Mulberry street, who charges them with having, on Sunday night, entered his room at the above place, and stolen therefrom \$40 in money. The accused were taken before Justice Connolly, at the lower police court, who committed them for examination. The accused depytheir guit, and state, in their examination, that they are clerks by profession. Thompson alleges that he resides at No. 546 Broadway.

CHARGE DE GENDAL LANCENY.

CHARGE OF GRAND LARCENY. A man named Harrison Francis, a colored man, was arrested by officer Baldwin, of the Eighth ward police, charged with having stolen \$61 from Mary O'Gorman, of charged with having stolen \$61 from Mary O'Gorman, of No. 17 East Fourteenth street. The property, as it is alleged, was returned to the complainant by the wife of the prisoner, who, it is said, received it from her hus band, the accused. The prisoner, in his examination, stated that he was a native of Maryland, and resided at No. 40 Grand street. The accused was committed for trial by Justice Breeman, in default of \$500 ball.

Theatres and Exhibitions.

BROADWAY THEATRE.—This evening is set apart for the benefit of Mr. Harrison, when "Cinderella" will be played. Although Mr. Harrison intended appearing in another opers on the occasion of his bezefit, fincling from the manager that numerous requests for one night more of "Cinderella" were made, he has yielded to the desire of the public, and will appear to-night in "Cinderella," aided by the sweet vocalist Miss L. Pyre. The concluding piece will be the farce of a "Blighted Being."

BOWENT THEATRE.—The pieces selected for this

sweet vocalist Miss L. Pyre. The concluding piece will be the farce of a "Blighted Being."

Bowery Theatre.—The pieces selected for this evening are those which have drawn at all times large audiences to this establishment. The first piece is "La Teur de Nesle." which will be followed by a drama, introducing Mr. Charles, an Itish comedian, and the entertainments will conclude with the farce of "Servants by Legacy." Waldron, the proprietor of the Bowery, is proving that no entertainments on his side of the town can equal his.

Burton's Theatre.—The selections for this evening are such as cannot fail to draw a large audience. Burton is always happy in his selections, and this evening he seems to add to the attractions of his establishment. He announces the farce of "John Jones," the comedy of "Living too Fast," the "Wandering Minstrel," and "Turning the Tables"—all of his leading artists appearing in the respective casts.

Wallack's Theatre.—The comedy of five acts, entitled the "Game of Life," which embraces in its cast all the leading members of Wallack's company, is the opening piece of this evening. This will be followed by the "Captain of the Watch," Messers. Lester, Phillips, Mrs. Canover, and Mrs. Sevens, in the leading characters. To-morrow evening Lester's comedy of "Two to One" will be given for the pleasure of those who admired it on former evenings.

ter's comedy of "Two to One" will be given for the pleasure of those who admired it on former evening.

American Museum.—The afternoon performances at this old and favorite resort, are such as must please its patrons. The piece of "Quite at Home," and the domestic drams of "Black Eyed Susan." In the evening, the temperance drams of the "Drunkard," with Clarks and Miss Mestayer in the leasting characters.

Wood's Minnyrelle.—The same very interesting and anusing negro delineations come off every evening. The burierque of the "Hotel d'Arrique." and a variety of negro amusements this evening.

BUCLLET'S SRENADERS.—The burierque of "Locretia Borgia," is, as it should be, because it is really a capital burierque, admired by all. It will be repeated this evening.

PHILADELPHIA.—Miss Greenfield. (the Black Swad) is giving concerts at the Sanson Street Hall. The annual hall of the Actors' Order of Friendship is to begiven on the 224 instant. Mrs. Extelle Potter is playing at the Chestnut.

HAVANA.—The opers season was nearly over at the latest dates. Signor Marini had a benefit on the 8th, and Reneventano's benefit was announced for the 11th. A planist named Riviers was to make his dibut on the last named right.

PATERSON, N. J.—A theatre has been opened here under the management of Mr. Harrson, of Brooklyn, a well known amateur. The Paterson papers speak highly of the company.

BORTON.—The Howard Athensum will open under the management of Mr. Henry Willard, on Wednesday, the 28th inst.

Detaront —Mr. McFarland announced that he would open the theatre here for the spring and sum mer season, on the evening of the 12th inst.

Coroner's Inquest.

FATAL ACCIDENT IN A SCOAR REFINERY .- Coroner Will-FATAL ACCIDENT IN A SCOAR REFINENT.—Coroner Wil-helm held an inquest yesterday upon the body of Archi-baid Thompson, recently a laborer in the sugar reducery corner of Laight and West streets, who came to his death from severs scalds received while cleaning one of the boilers at the above place. The jury readered a verdict in accordance with the above facts. The deceased was a native of Ireland, and about forty-eight years of age. He leaves a wife and family to imment his untimely end-

LAND FOR THE SAUT STE. MARIE CANAL CON-PARY—In the Senate of Michigan, on the 8th instant, Mr. Brown presented the petition of Erastus Corning, J. W. Brooks and others, sixing the Legislature to suther its the conveyance of 150,000 acree of hand to the Saut Ste. Marie Chani Company, which was referred to a se-lect constitute.

Progress of the Municipal Revolution.
THE MAYOR, THE ASE CART MIN, AND THE SHOW-COVERED SIDEWALES—THE BRIGIAN PAUPERS TO BE ESTURNED—THE COMPLAINT BOOK.
We called particular attention in the HERALD of yes-

We called particular attention in the Hurald of yesterday to the numerous complaints which had been entered upon the Mayor's book in regard to the neglect of the sah cartimes to remove the ashes from the sidewalts. Some of these complaints have been repeated again and again, without effect. The ashes are not removed, and the housekeepers are compelled to throw them into the streets. The Mayor should have this matter attended to at once, if he would preserve the reputation which he has gained for the enfercement of the laws in other particulars. Of course it is impossible to clean the streets while they remain in their present condition; but this is a nuisance which can easily be abated, if the proper means are taken; and these means, we believe, are in the control of Mr. Wood himself. The street contractors are under bonds to a certain amount for the performance of their contracts, and the amount for the performance of their contracts, and the mayor has the power to prevent the payment of their bills, by refusing to sign his name thereto. This is a negative power, it is true; but still it would prove almost

impassable, in consequence of the snow not having been removed. The Mayor can hardly expect housekeepers to keep the walks in front of their doors clean, when those belonging to the city are neglected. We hope he will have this matter attended to at once. It would be well also, for the Commissioner of Streets and Lamps to have the streets in his own immediate neighborhood kept in a better condition than they have been for some time

The following letter in relation to the Belgian paupers now in the city prison, has been addressed by the Mayor

now in the city prison, has been addressed by the Mayor to the Belgian Consul, Mr. Mali:—

Mayon's Gyricz, New York, Feb. 14, 1855.

H. W. T. Mail, Esq. Belgian Consul, New York:—

Siz—After mature deliberation, and an examination of the testimony taken before Justice Bogart, together with additional information from the American Consul at Antwerp, just received, I am reluctantly forced to the conclusion that the persons now in the City Frison, who came as emigrant passengers by the ship Rochambau, from Antwerp, are not of a character to be permitted to go at large in this city or in this country; and while we cannot set them at liberty, we cannot longer retain them in custody. Some measures must be adopted at once to relieve the city from the expense of providing for them, and at the same time to secure us from the danger of their presence abroad in the country. Therefore, as it is, beyond question, from the evicence before me, and which is open to your examination, that they were embarked at Antwerp by the order and at the expense of the Belgian local authorities, I suggest that they be returned to their own country at the cost of the Belgian government, whose agent you are in this city. I see no other resource. Humanity and justice require that they should no longer be retained in prison in this city, when they have committed no offence; and self-preservation requires that we should prevent them being at liberty here, with a belief that their presence would be dangerous to our property.

From your high cheracter in this city, and knowledge and appreciation of our institutions, I am confident you will comprehend the necessity which forces me to take this position, and promptly respond to the request that these people be re-embarked for Antwerp without delay.

P. S.—The ship Henry Reed, which arrived at this port from Antwerp 10th instant, had on board six or eight of the same class of emigrants, sent out by the Belgian authorities, under the same circumstances as those now referred to per Rochambeau; but my i

That a palpable violation of Corporation ordinances has existed for some months past, in allowing the water to run over the sidewalk between Nos. 12 and 14 Park place, endangering the lives and limbs of pedestrians, when frezen, to say nothing of the inconvenience it oc

Wm. Bemont, of No. 75 Fortieth street, complains that the military marshal attempted to collect a fine from him for not doing military duty this present year, he being a cripple and having been sick the past year, and consequently not liable to perform military duty.

Mr. Wm. Smith, corner of Fifth avenue and Thirty-first street, complains that cattle and hogs are driven through the Fifth avenue, every Sun'sy morning, at the time when ladies are on their way to church, making the walking exceedingly had, and the smell arising there from very offensive, and prays that the same may be stopped.

Fanuel C. Degroot, gas larm lighter of the Marketine

THE BELGIAN PAUPERS—AN IMPORTANT INQUIRY SUG-GESTED—INTERESTING STATISTICS.

A meeting of the Commissioners of Emigration was seld yesterday at 4 P. M. Present—Commissioners Verplanck, (in the chair), Witthaus, Kennedy, Kelly, Dun-lap, Purly, and Carrigan. Mayor Hall, of Brooklyn, was also present. After the reading and approving of the minutes, the following communication was received from

Mayor Wood:

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Mayor Wood:

Mayor Wood:

Mayor Sorrica, Feb. 14, 1855.

Gulan C. Verplanck—Sir:—In reply to an Inquiry of Captain Crabtree, as to my intention with reference to the Belgian convicts or paupers now confined in the City Frison, I herewith enclose a copy of the communication addressed by me this day to H. W. T. Mali, Esq., the Belgian Consul at this port, from which it will be seen that, in my judgment, there is no resource but to return them to Antwerp. I respectfully beg leave to advise that, as it is now quite certain that the local authorities of Belgium are sending by almost every ship more or less of the same class, the most stringent measure be adopted, on the part of your Board, to prevent those who are paupers from becoming a tax upon the people of this country and State, and such of them who are or have been convicts, should be returned forthwith. We may thus put a stop to this most infamous practice upon the part of the authorities in Belgium.

FERNANDO WOOD, Mayor.

[The communication referred to in the above will be

[The communication referred to in the above will be

The communication referred to in the above will be found among the doings at the Mayor's office.]

Frem the debate that ensued on the above, several curious facts were elicited. It appears that a large shipping agent in Antwerp, named Strauss, has a contract with the Belgian government in which he agrees to send all the paupers they furnish him to this country, he receiving fitteen florins for every person so sent. The cost of transportation amounts to about 7 ½ florins per head, making a clear gain to him of 5 ½ florins. This nefarious traffic has now been carried on for some time, and almost every ship arriving frem Rettacking and Antwerp almost every ship arriving from Retterdam and Antwerp brings some paupers and convicts in it. The following affidavit was taken yesterday at the office of the Com-

almost every saip arriving from Retterdam and Antwerp brings some paupers and convicts in it. The following affidavit was taken yesterday at the office of the Commissioners.—

City and County of New York.—Gennise Francois, late of the county of Kent, Province Oct Flander, but sow of the city of New York, 38 years, being duly sworn, deposeth and saith—That he was sent by the Communs of Kent, which paid his passage, and came over in the ship Anna Schmidt, from Antwerp, —— master, and arrived at the port of New York on the 13th day of February, 1856, and that he sarsed his support by labor, and was poor; and that he has neither friends nor relatives; and that the is anxious for his futurity here, and appeals for aid to the Commissioners of Emigration.

Secon before me this 18th day of February, 1855.

B. DEAGELLY, Commissioner of Deels.

Commissioner Witthats offered the following:—Whereas, lately more ships bringing emigrants or other improper persons to this city have arrived from Antwerp than any other European port.

Resolved. That Heavy W. T. Mall, the Belgian Consul at this port, he requested to inform his government—let. Of the above fact. 2d. That there are persons known to this Commission doing business at Astwerp, who are expecially instrumental in the forwarding of all those persons dangerous to society. 3d. That the Commissioners arriving in any ships coming from Antwerp. This resolution was, after some dehate, adopted.

An election of efficers for the enesing year was here generated with the monthly report, from which it appears there are new 3,781 patients under treatment. The moriality of the month is large, compared with the preceding mouth. Typhus fever has prevailed to a great extent, all diseases assuming that form.

Commissioner Kautz dered the following:—

Resolved, That Dr. Cox be requested, if without danger to the patients, to sand all ship fever and other cases of infectious disease to Quarantine while in the estambont with one of the heave physicians, proper bedding, &c.

This was adopted

Whereas, there is a large number of immigrants who are a charge upon this commission, owing to a general scarcity of labor in this city; and, whereas the time is near at hand when labor will be in demand in the agricultural districts, therefore, be:

Resolved, That it is deemed expedient, for the purpose of relieving this commission, and for the welfare of its constituents, that labor should be found for this vast amount of person. And further, be it

Resolved, That in view of such contingency, it is desirable that a competent person be employed, whose duty it shall be to visit said agricultural districts, for the purpose of urging upon farmers and others to employ such immigrants, and to laduce said employers to make provision for the transportation of such persons. Therefore.

Resolved, That an agent be employed at a salary not to exceed the rate of \$500 per annum, and that said situation be abolished on or before the first day of June next, unless otherwise ordered by a vote of this commission.

mission.
The Board then adjourned.
WEELY SUMMARY.
Alien emigrants arrived up to 7th inst......
Up to 14th inst...... 9,620 16,913 Balance in bank. \$31 55
Due to counties December 1, 1864. \$20,600 93
From the above it will be seen that there is but very little money in the hands of the Commissioners, their debts largely exceeding their means.

Fan. 14 —The Board met at 5-P. M., pursuant to adjourment. D. D. Connover, Esq., President, in the chair. The minutes of the last meeting were read and approved.

PETITIONS HEFERRED.

To make the Harlem Railroad cars stop at certain stations on their route.

To have vacant lot feaced at the northwest corner of

Twenty second atreet and Seventh avenue.

Of butchers and residents of Seventeenth ward, for

new market house in the place of the one now occupied as Tomphins market.

Of citizens against digging a well in 128th street, be-

tween the Third and Fourth avenues.

Also petitions to have Croton water pipes laid, and sidewalks flagged in certain streets.

REMOLUTIONS.

That the Comptroller be directed in the sale of the wharves, piers and slips advertised for the 14th of March next, to limit the leases of the same to one year. Re-

That the Comptroller be directed in the sale of the whatves, piers and slips advertised for the 14th of March next, to limit the leases of the same to one year. Referred.

That the Clerks of the Board furnish the members with stationery, &c. Adopted.

That the Clerks of the Board of Aldermen and Councillmen are hereby authorized to subscribe for the usual daily newspapers for their offices. Adopted.

That the Harlem Railroad Company shall after the lat of April, 1803, be entitled to receive not more than two cents fare sach way, for the transit of each passenger over said road, between Iwenty third street and the termination of their route, at the southerly end of the Park. Referred.

That the report of the Committee on Roads of the late Board of Councilmen, relative to the numbering of streets in the Tweifth and Nineteenth wards, and referred to the Committee on Roads of the present Board. Adopted.

Councilman Marmon moved to take up the following resolution, laid over at the last meeting:—

Resolved—That in amending the charter of this city, the following principles should be retained or incorporated, vin.—

First. The second Board, by whatever name called, should be more numerous, and be elected (as regards individuals) by constituents different from Aldermen.

Second. All measures appropriating or involving the expenditure of money, should originate in one of the two Boards, exclusively.

Third. The charter election should be separated from the general or State election, and be held in the spring of the year.

Councilman Jenkins moved to strike out after the word "called," in the first section of the resolution, and insert, "shall be the same numerically, and shall be elected by the same constituents." The amendment was lost.

Councilman Connover them moved to strike out altogether the timed part of the resolution.

The resolution, with the amendment, was laid on the table until Friday.

Resolution to regulate the rate of passage on the city railroads, and reduce it to three cents. Referred.

To introduce C

still Later from Nebraska.—Doings of the Legislature.

The Beard afterwards adjourned.

Still Later from Nebraska.—Doings of the Legislature.

[Correspondence of the Cleveland Plain Bealer.]

ORAMA CITY, N. T., Jan. 26, 1846.

The Legislature of Nebraska has now been ten days in session, but as yet has done but little. This perhaps was to be expected, as it has had to organize from first principles, and in the absence of all rules or procedents, or predecessors in the field of their operations. Upon the whole, the members evince more capacity for legislaticn, than before seeing them assembled I had supposed, and perhaps expressed in a former letter. A good many contested seats have been disposed of, growing out of one party or the other having either been citizens of lows or Missouri, or elected by citizens of those States, who came over into the Territory by socres and voted—although not to the extent that the Missourians overran Kansas. Rules for the government of both branches have been adopted, committees appointed, and other preliminaries necessary to the despatch of business. Notice has also been given or a design to introduce various bills—amongst others, to 'incorporate the Nebraska City Collegiate and Preparatory Institute,'' to give mechanics a lien for wors done; to incorporate the Platte Valley Railroad Company; to exclude free negroes frem the Territory; to establish a Code of Practice, and various other bills of misor importance. A bill will also be introduced in a few days to incorporate abank. You see we are inclined to tollow the Eastern fashions.

The joint resolutions of Gen. G. B. Robertson, a member of the House, endorsing the principles of the Kansas-Nebraska bill, passed that body with only three dissenting votes. I think they will pass the Council unsammously. It is certainly very proper that the first Legislature of Nebrasks should thus at an early day give the sanction of its approval to the great measure which brought it into existence.

The important measure of the session, with the

PENNETLVANIA Hospital. For the lospital during the total number of patients in the hospital during the part year was 412—the highest number at any one time being 220, and the lowest 220. During the year 178 series were admitted, and 190 were discharged or died. There are now 222 under cars. Of the patients discharged during the year, 28 were cared, 32 were much improved, 19 improved, 15 stationary, and 26 died. The whole number of iname treated in the Penneylvania Hospital since its opening, in 1702, is 6,702.

The Immaculate Conception.
PASTORAL LETTER ON THE DEPINITION OF THE
DOGMA OF THE IMMACULATE GONCEPTION.

ARMANDUS FRANCIS MARY, BY THE GRACE OF GOD AND OF THE HOLY SEE, BUSH TORONTO.

DEAR BRETHERS—On the 8th of December last, after five years of prayer, of deliberation, of persevering investigations and consultations—after having received the opinion in writing of five hundred bishops, scattered over the universe, the 25th successor of St. Peter, in virtue of his mission to teach all nations and overy creature, until the consummation of the world, and surrounded by two hundred bishops from all the partie of Catholicity, at their unanimous request, and smidst the most solemn circumstances, Plus IX, Vicar of Jeaus Christ upon earth, declared in the plentitude of his universal spiritual authority.—

"It is a dogma of faith that the blessed Virgin Mary, from the first instant of her conception, by a singular privilege and grace of God, in wittee of the merits of Jesus Christ, the saviour of manhind, was preserved free, from all state of original sin."

Now, dearly beloved, what is the meaning of that definition which overjoys the whole church, and desolates hell? What are our duties towards that definition? and what must be lits fruit for our souls?

That definition, dearly beloved, means that the soul of Mary, ro doubt on account of her baving been chosen from all eternity to be the Mother of the Saviour, what created and united to a body in her mother, St. Ann., was arempted, preserved from all original sin, common to all the chidren of Adam and Eve.

That definition means that, on that first moment Mary, far from being a child of wrath, hated by the Bessed Trinity, belonging to Satan and doomed to hell, was, on the contrary, all fair, spoties, failof rrace with the Lord, blessed among women, the beloved cove of God, and already crushing the serpent's head.

That definition means that that most singular exemption, privilege, prerogative, grace conferred on Mary, in from the grace of the merits of Jesus Curist, has been revealed by God, is contained in the deposit of divine revolations, has always been believed as a servaled by God, and already crushing the serpent's head.

Therefore the merit

ages. The divine maternity of Mary was defined only in the fifth century, against Nestorius; her perpetual virginity in the fourth, against Jovinias, and her exemption from venial sin in the sixteenth, by the Council of Trent.

Therefore to deny now even mentally the immaculate conception, would be the same sin of herey as to deny the divine maternity of Mary, on her perpetual virginity or her exemption from venial sin, because it would as to refuse to believe a definition of the church, the pillar and the ground of truth, and of course to incur the excommunication and anothers of the church.

Now what are our duties towards the definition of the immaculate conception of the blessed Virgin Mary?

First duty—A firm faith in it, because it has been revealed by God, the eternal truth, and proposed as such to our belief by his infailible church. Yes, Of Mary, i believe in the immaculate Conception vith all my heart, with the same faith with which I believe in the divine maternity, in try perpetual virginity, and in thy exception from all vanial sin ondersone in Mary, whose givey and year a renewed must be proportioned to her gives and the angels in the creation of her immaculate spirit, since the archange Gabriel bowed to her, even before her being the mother of the Raviour; but as such, and as having sacrificed her divine Son for manifad, she lift the angelical nature as far behind her as a mother is above a servant, as the sacrifice of an only son for others is above any other service. Therefore, let us wear the mirracious medal, struck off in the honor of the Immaculate Conception, the wonders of which have filled up the world, repeating morning, evening, and often, particularly in danger and temptations. "Of Mary, concerved without sin, party for as who have resings, and often, particularly in danger and temptations of all as to unite ourselves, in the course of our daily actions and safferings, to the bissess dirign Mary, the verings and influence of the direct fruit to be respect from them, any steries and fe

mitter May it be the dawn of an universal reign of Christian spirit, of union of chestian

asy to be the dawn of an universal reign of Christian spirit, of union, of charity, of peace, and happiness! May it he so particularly for this province, this diocese, this city, for each and all of you, dear brethren of the church, and for your spiritual fathers.—

1st. This letter will be read at mass in all the churches and stations on the Sundays after its reception.

2s. Until the reception of the bull on the definition, the Litany of the Bissaed Virgin will be recited after mass every Sunday, with the Invocation repeated three times: "O Mary, conceived without aim, pray for us who have recourse to thee."

The bull, wherat our request published in the Catholic Ovices and Mirver, will be read in all the churches and stations at mass; after which, a Themor the Litany of the Hessaed Virgin will be sung or recited, and a benediction given with the Ostensorium or C bortom.

A. F. M. DeCHARDONNEL, Bishop of Toronte.

Toronyo, 2d February, 1855.

The West Indies.

Tokonto, 2d February, 1855.

The West Indies.

PRIVATIONS OF TWO MILITARY OFFICERS.

(From the Kingston (Jam.) Morning Journal, Jan 18, 1 Os Frinds versing the shoop Hopewell, Swiff, master, arrived at Fort Hoyal, after having been at sea for fifty two days, in an unsuccessful attempt to reach Turka Islands. In the Hopewell were Licute; and Rodgers and Richards, of the third West India Regiment, as also Mrs. Rodgers. The narrative of accidents by flood and field related by Mr. Rodgers is a thrilling one; and we regret that we are compelled to condense it.

It seems that the Hopewell was employed by the government authorities to convey the two officers to Turke Island, it being intended that Lieut. Rodgers should take command of the detachment there. A Port Morant, three of the crew described and the reased proceeded to be a very inefficiently manned, with the master and two boys. On the coast of St. Domingo, a severe gale was experienced, and the master was induced to land, in order to procure the services of a man whom he knew, to assist him in steering the vessel. The man was found, but the authorities refused to allow him to larve the shore, as the master's story of the vessel being employed by the British government was not believed. Ou the constrary, the vessel was regarded as a soungler. At the solicitation of the master, the two officers went on shore, in uniform, when they must an afficer of rank. A liaron—who insisted that Lieut. Rodgers was Government of Turks Islands—to the samonymne of that officers went on thore. However, the man whom he services went on thore, in uniform, when they must an afficer of rank. Islands—the decidence of the firm of the services went on the firm of the services went on the firm of the services went on the services went on the services of the firm of the services went of the firm of the services went on the services of the services went on the services of the se

Preside Execution in Latinois.—The Galena (Illinois) Jeffersonian relates the following occurrences at the execution of Taylor a few days ago. "One man was drowned in excessing the Minetenippi opposite Dubugoe, snother was killed by a blow on the head received enaches place-of execution, by a team running away. A mother fed from the fence near the scafford with a child in her arms and trukes its arm, another woman's feet was crushed in going to the execution, and the poor creates, indifferent to the pain, wept bitterly because "she couldn't see the man hanged."